



July 19, 2019

Via Electronic Mail Only—chris.woodward@state.nm.us

Christopher Woodward, Esq.
NM Department of Health
P.O. Box 26110
Santa Fe, NM 97502-0110

Re: 2019 Medical Cannabis Program Amendments

Dear Mr. Woodward:

My review of the written comments and the oral comments from the July 12, 2019 public hearing give rise to the need for additional information from the Medical Cannabis Program. I have reviewed the exhibit binders in this matter and I am working on my Report to Secretary Kunkel. At this point in the process, it would be useful to hear the Department's response to some of the comments made by members of the public at the July 12 public hearing.

It would be useful to hear the Department's response to the public comments made by the following individuals: Drew Stuart, Duke Rodriguez, David Belcher, Ben Lewinger, Kelly O'Donnell, and Zeke Shortes. In particular, please respond to comments of the foregoing individuals in addressing the following questions:

- 1) What is the Department's response to the challenges to the proposed amendment to the rules to define "seedling" as a cannabis plant that has no flowers and is less than 8 inches in height?
- 2) What is the Department's response to the opposition to the proposed increase in renewal fees for LNPPs?
- 3) What is the Department's response to the plant count limit of 1750 in the proposed rules?
- 4) What is the Department's response to the increased penalties in the proposed rules?

In responding to the foregoing questions, I am not asking you to repeat the bases for the proposed amendments that appear in DOH Exhibit No. 5 (the DOH's Summary of MCP Rule Amendments).

In addition, the public hearing may have prompted a desire on the part of the Medical Cannabis Program to provide additional information to the Hearing Officer in response to

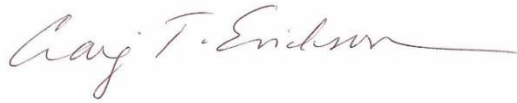
comments from the public. If that is the case, please respond as appropriate.

Finally, I understand that this letter, and your response, will be made part of the record in the Department's website.

Please respond this this letter by July 26, 2019. Thank you.

Very truly yours,

UTTON & KERY, P.A.

A handwritten signature in cursive script that reads "Craig T. Erickson". The signature is written in dark ink on a light-colored background.

By: CRAIG T. ERICKSON

Woodward, Chris, DOH

From: Craig Erickson <craig@uttonkery.com>
Sent: Tuesday, July 23, 2019 10:06 AM
To: Woodward, Chris, DOH
Subject: [EXT] 2019 MCP Rule Amendments

Dear Mr. Woodward:

Please provide the bases for the Department's proposed changes to the definition of "manufacturer" and the added definition of "non-profit producer."

Thank you,



UTTON & KERY, P.A.
ATTORNEYS AT LAW

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July 25, 2019

Via Electronic Mail Only—chris.woodward@state.nm.us

Christopher Woodward, Esq.
NM Department of Health
P.O. Box 26110
Santa Fe, NM 97502-0110

Re: 2019 Medical Cannabis Program Amendments

Dear Mr. Woodward:

In addition to the questions raised in my letter to you dated July 19, 2019, please respond to the following questions:

- 1) What is the Department's response to the challenges to the proposed amendment to the rules to add a definition for "non-profit producers" in 7.34.4.7(FF) NMAC, and to the use of the word "non-profit" elsewhere in the regulations, such as in 7.34.4.8(A)(2) NMAC? *See, e.g.*, the written comments from Ultra Health at pages 17 to 19.
- 2) What is the Department's response to the comments of Ultra Health at pages 15 -16 of their written comments on the proposed increase of fees?
- 3) What is the Department's response to the argument found at pages 19 to 21 of Ultra Health's written statement?

Would it be possible for you to respond to this letter by close of business on Tuesday, July 30?

Thank you for your attention to this matter.

Very truly yours,

UTTON & KERY, P.A.

A handwritten signature in cursive script that reads "Craig T. Erickson".

By: CRAIG T. ERICKSON

Albuquerque Office

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